

RAVALLI COUNTY JUSTICE COURT
205 Bedford Street
Hamilton, Montana 59840

Guidelines for Responding to a Civil Suit

These are basic guidelines relating to a civil suit. They are not intended to be all-inclusive of the rules and requirements relating to Justice Court lawsuits. As a party to a civil action, it is your responsibility to proceed under the Montana Statutes. They can be reviewed at most libraries or accessed on line. Neither the Judge nor the Clerk can provide you with legal advice or interpretation of the law as it relates to a civil suit. If you have questions, please contact an attorney.

Montana Codes Annotated..... http://data.opi.state.mt.us/bills/mca_toc/index.htm
Court and Landlord-Tenant issues.... <http://montanalawhelp.org>

FILING AN ANSWER

An Answer must be filed within 20 calendar days from the date of service or 10 business days if the Defendant is served with a 10 day Summons for possession of rental property. You must,

- * complete all sections of the Answer, including the certificate of mailing
- * provide the Court with sufficient copies at the time of filing. You will need the original, a copy for each Plaintiff, and a copy for your records
- * pay a \$20 filing fee for each Defendant answering the Complaint
- * mail a copy of the Answer to the Plaintiff

FAILURE TO FILE AN ANSWER

If a Defendant fails to file an answer within the time specified in the Summons, the Plaintiff may request that a default judgment be entered against the Defendant.

COUNTERCLAIM

When the Answer is filed, a Defendant may also file a Counterclaim against the Plaintiff providing the relief sought relates to a claim arising out of the same transaction or occurrence as the Complaint. The Counterclaim may not exceed \$7000. If you wish to file a Counterclaim, please ask the Clerk for the proper form.

After being served with the Counterclaim, the Plaintiff then has 20 calendar days to file a response. If no response is filed to the Counterclaim, the Defendant may request the Court to enter a default judgment against Plaintiff.

PRETRIAL / TRIAL

If an Answer is filed, a pretrial hearing will be set and notices mailed to the parties. The pretrial is held to allow the parties an opportunity to discuss settlement possibilities. If the parties are unable to reach an agreement, the case will be scheduled for trial. If the Plaintiff fails to appear at the pretrial or trial, the Complaint will be dismissed. If the Defendant fails to appear at the pretrial or trial, a default judgment may be issued.

JUDGMENT / APPEAL

If a judgment is issued and either party is dissatisfied with the results, an appeal can be filed to District Court. In that event, it is the appealing party's responsibility to follow the procedures and requirements set forth in the Montana Statutes under Section 25, Chapter 33.

COLLECTION OF JUDGMENT

If the person awarded judgment on a Complaint or Counterclaim does not receive payment, upon written request, the Court may issue a Writ of Execution. Please see Section 25, Chapter 13 which deals with executions on judgments and assets which may be exempt from execution. A Writ can be used to garnish wages or execute against bank accounts and must be served by a licensed levying officer or the Sheriff's Office.

If a Writ has not been successful in satisfying a Judgment, the Judgment Creditor may file a request for an Aid in Execution Hearing (debtor's exam). The Court will order the Judgment Debtor to appear and produce evidence and testimony regarding payment of the amount due.

The Judgment Creditor may also request the Court to issue a "Certification of Transcript of Judgment". The Certification can be filed with any County District Court where the Judgment Debtor owns real property.

MISCELLANEOUS

Documents Filed With the Court: A copy of any document filed with the Court must include a statement that you have mailed a copy of it to the opposing party.

Motions: When a Motion is filed with the Court, it must include a basis for the request. A copy must be mailed to the other party (or the party's attorney), and that party then has ten days to file a response.

Satisfaction of Judgment: The judgment creditor must notify the Court when a Judgment has been satisfied.

Dismissal of Counterclaim: If a Defendant no longer wishes to pursue a Counterclaim filed which he/she has filed against the Plaintiff, a Notice of Dismissal should be filed with the Court and a copy mailed to the other party.

*Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840*

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

| | | |
|--------------|---|----------------|
| _____ |) | |
| _____ |) | |
| Plaintiff(s) |) | Judge: _____ |
| |) | |
| vs |) | Case No: _____ |
| _____ |) | |
| |) | ANSWER |
| _____ |) | |
| Defendant(s) |) | |

COME(S) NOW, the Defendant(s) named in the Complaint and answers as follows:

Dated _____

Signature of Defendant

Address

City/State/Zip Code

Phone

CERTIFICATE OF SERVICE

The undersigned certifies to the Court that a copy of this Answer was served on the Plaintiff (or the Plaintiff's attorney) by () first class mail or () certified mail on _____

Signature of Defendant